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FILED

07 OCT 19 AM 9:06

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Francisco AGUAYO

Defendant.

Magistrate Case No. '07 MJ 2500 PMV

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about **October 18, 2007**, within the Southern District of California, defendant **Juan Francisco AGUAYO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Guadalupe ESQUIVEL-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF **October**, 2007.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Guadalupe ESQUIVEL-Garcia** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 18, 2007 at approximately 0541 hours **Juan Francisco AGUAYO (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry. Defendant was the driver and sole visible occupant of a green Ford Taurus. Upon inspection before a Customs Border Protection (CBP) Officer Defendant gave two negative declarations. Defendant presented his California Identification card and stated he was going to work. The CBP Officer noticed Defendant appeared nervous and asked him to open the trunk of the vehicle. The CBP Officer suspected what appeared to be a false bulkhead between the trunk and the rear seat. The CBP Officer put his hand inside the compartment and felt what appeared to be human skin and cloth. Assistance was requested and the vehicle was escorted to secondary inspection.

In secondary, CBP Officers opened a non-factory compartment and discovered an adult female concealed inside. The adult female was removed from concealment and determined to be a citizen of Mexico without legal documentation to enter the United States. She is now identified as **Guadalupe ESQUIVEL-Garcia (Material Witness).**

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge there was one female alien concealed in the vehicle. Defendant admitted he was going to receive a monetary payment of $500.00 USD to smuggle the alien into the United States.

A videotaped interview was conducted with Material Witness. Material Witness stated she is a citizen of Mexico without legal rights to enter the Untied States. Material Witness stated she was traveling to San Diego, California. Material Witness stated her friend in the United States was going to pay an unknown person $2,000.00 upon her arrival to San Diego.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

W McCurine Jr.
UNITED STATES MAGISTRATE JUDGE